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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,282	06/19/2000	Suze Berthold	LOT9 2000 0012 US1	4020

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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,282

Applicant(s)

BERTHOLD ET AL.

Examiner

Andrew L Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19 is/are allowed.
- 6) ☒ Claim(s) 1-5,9,10,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 6-8,11,14, and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are pending.

Response to Arguments

2. Applicant's arguments filed 24 June 2004 have been fully considered but they are not persuasive.
3. Applicant has argued on page 21 that the combination of McGee and Samar fail to provide teachings for cross certificates. Applicant has presented sections of the specification (Page 92 lines 4-18) that teach that "a cross certificate is a secondary construct that gives enough information to verify the signature of something signed by a certifier." Given this definition, Examiner contends that the McGee reference (US Patent No. 6,694,434) in combination with the Samar reference (US Patent No. 6,304,974) do provide teachings for a cross certificate. Samar teaches downloadable cross certificates for verifying electronic signatures (Samar, column 7 line 53 – column 8 line 10) by disclosing a list of certificates that is downloadable and used to authenticate communications. McGee teaches the verification of agent execution code and agent management services that is responsive to cross certificates and electronic signatures for activating the agents (McGee, column 7 lines 41-53).
4. Applicant has argued on page 22 that neither McGee nor Samar teach the concept of agent services that appears in the amended claims as "agent management

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services.” Examiner respectfully disagrees. Examiner contends that McGee does teach agent management services by disclosing “a system” that executes applications and performs digital signature verification (McGee, column 7 line 46 – column 8 line 10, agent management services viewed as “the system”). McGee’s “system” provides the claimed functionality of being “responsive to said cross certificates and said electronic signature for activating said signed agents” (McGee, column 7 line 46 – column 8 line 10, digital signature verification techniques, determine if application valid).

Claim Objections

5. Claim 18 is objected to because of the following informalities: Claim 18 is labeled as claim 18 as well as claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 9-10, and 12-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGee et al US Patent No 6,694,434 in view of Samar et al US

Patent No 6,304,974. McGee teaches a method for controlling distribution of executable objects.

8. With regards to claims 1-4, McGee teaches a list of identities of users authorized to execute the agents (McGee, column 6 lines 15-19 and 59-63), signed agents in applications including signatory name and corresponding electronic signature (McGee, column 7 lines 46-53), and agent execution code and agent management services responsive to cross certificates and electronic signatures for activating signed agents (McGee, column 7 line 46 – column 8 line 10, agent execution code viewed as application, agent management services viewed as “the system”). McGee fails to teach downloadable cross certificates for verifying electronic signatures. Samar discloses a method of managing trusted certificates in which he teaches downloadable cross certificates for verifying electronic signatures (Samar, column 7 line 53 – column 8 line 7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Samar’s method of downloading certificates because it offers the advantage of ensures a user that the downloaded certificates are secure and trustworthy and thus allows a user to confidently use trusted certificates to authenticate subsequent communications (Samar, column 2 lines 40-59).

9. With regards to claims 5 and 9, McGee as modified and described above fails to teach agent execution code being responsive to scheduled or on-demand access to the signed agent for first accessing a server to update the group list store and cross certificate store. Samar teaches the updating of agent execution code being responsive to scheduled or on-demand access to the signed agent for first accessing a server to

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update the group list store and cross certificate store (Samar, column 8 lines 13-47). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Samar's updating procedures because they offer the advantage of providing greater efficiency in changing security and allows differentiation of security levels among different divisions or programs (Samar, column 3 lines 14-26).

10. With regards to claims 10 and 13, McGee as modified further teaches the replicating from a first or second server an application referencing the signed agent (McGee, column 13 lines 21-29 and column 10 lines 52-60).

Allowable Subject Matter

11. Claims 6-8, 11, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 15-19 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter: The cited prior art fails to teach the group list store storing the union of names of signatories authorized to execute agents referenced by applications downloadable from a plurality of servers.

Conclusion

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14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

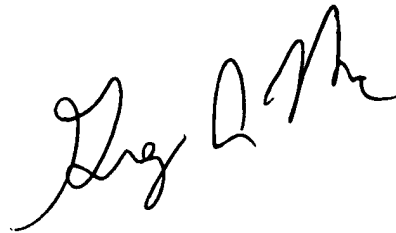
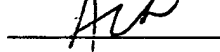
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



GREGORY MORSE
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